

1 John R. Benefiel (P 28970)
2 280 Daines Street
3 Suite 100 B
4 Birmingham, Michigan 48009-6244
5 248-644-1455

6 Charles F. Reidelbach, Jr. (167482)
7 PRESSEISEN & REIDELBACH
8 The Chamber Building
9 110 West "C" Street; Suite 714
10 San Diego, California 92101
11 619-234-4057
12 Attorneys for Defendant

13 IN THE UNITED STATES DISTRICT COURT
14 SOUTHERN DISTRICT OF CALIFORNIA

15 **NEW AGE PRODUCTS, INC.,** Case No. 96 2129 J CGA

16 Plaintiff, **SUPPLEMENTAL TO DECLARATION**
17 **OF WILLIAM FISHMAN**

18 v
19 **PROGRESSIVE INTERNATIONAL**
20 **CORPORATION,**

21 Defendant.

22

PROGRESSIVE INTERNATIONAL
23 **CORPORATION,**

24 Counterclaimant,

25 v
26 **NEW AGE PRODUCTS, INC.,**

27 Counterdefendant.

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29 SUPPLEMENTAL DECLARATION OF WILLIAM FISHMAN

30 William Fishman, of 17632 Tam O'Shanter Drive, Poway,
31 California 92064, makes the following Declaration:

1 1. On December 30, 1997, I executed a Declaration in the
2 above case concerning the prior history of the Counter-Maid
3 cutting mats.

4 2. Attached hereto are three (3) actual samples of the
5 Counter-Maid mats purchased in 1981, as identified in my prior
6 Declaration.

7 I declare under penalty of perjury that the foregoing is true
8 and correct.

9 Date: May 18, 1998

10 William Fishman
11 William Fishman

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This is a sheet of plastic which I think might be developed into a saleable item as a DISPOSABLE CUTTING AND CHOPPING BOARD.

I would like to have you try it and answer some questions to help determine if it is marketable. I would use the compiled answers in approaching companies who might be interested in manufacturing and marketing the product.

Return the questionnaire in the enclosed envelope as soon as you feel you have given the plastic sheet an adequate trial. You may sign it or not, as you wish, but please fill in the date.

The manufactured product would have a rim to keep juices from running off and a hanger hole on the end.

Hints for use:

Use it on top of your cutting board to protect the board from scratches and scars which harbor bacteria and molds in spite of good care, or directly on the counter without fear of scarring.

When chopping or cutting vegetables, fruits, meats, nuts, etc., you will find it convenient to pick it up and swirl it to funnel items into bowl or pan.

It is dishwasher safe, but melts in contact with direct heat and will support flame.

QUESTIONNAIRE

1. Do you find it easier to use than your regular board or built in block?.... Yes _____ -- No _____
2. Would you prefer a larger sheet?... Yes _____ -- No _____
3. Would you prefer a round shape?... Yes _____ -- No _____
4. Would you prefer an oval shape?... Yes _____ -- No _____
5. Would you prefer a rectangle? ... Yes _____ -- No _____
6. Did you like being able to pick it up, swirl and funnel into bowl or pan?.... Yes _____ -- No _____
7. How many times (Approx) did you use it?... _____
8. Was it ready for disposal then?... Yes _____ -- No _____
9. Did you like it well enough to buy it if you found it in your grocery? Yes _____ -- No _____
10. Any comments or criticisms you care to make?

NAME

if you have any comments, criticisms, or suggestions, please let me know.

APPLICATION FOR PATENT ON DISPOSABLE CUTTING BOARD
BY MARIAN GILLETT 16950 TESORO DRIVE, SANDIEGO CA, 92128

DESCRIPTION A PLASTIC SHEET OF UNSPECIFIED SIZE AND WEIGHT, WITH OR WITHOUT A HOLE FOR HANGING AND WITH OR WITHOUT A RIM FOR CONTAINING LIQUIDS.

USE 1. A PROTECTOR FOR COUNTERS AND SINKS WHEN CLEANING OR WASHING ANYTHING WHICH MIGHT MARK OR SCRATCH SURFACES.

2. A PROTECTOR FOR CUTTING BLOCKS OR BOARDS AND COUNTERS FROM STAINS, ODORS, AND BACTERIA HOLDING CUTS WHEN USED FOR CUTTING, SLICING AND CHOPPING. RE-USABLE UNTIL TOO SCARRED

3. PICK UP AND CURL TO FUNNEL CHOPPED FRUITS, VEGETABLES, MEAT, AND SIFTED FLOUR, ETC INTO PROPER RECEPTACLE. (FEATURE LIKED BEST IN SURVEY)

MATERIAL REQUIREMENTS

AT LEAST 9 MIL WEIGHT

NON TOXIC

DISHWASHER SAFE

FLEXIBLE

QUESTIONS

DO YOU NEED PROTOTYPES? I CAN MAKE A SET OF DIFFERENT SIZES AND SHAPES, RIMS, HOLES ETC.

DO YOU NEED A COPY OF THE DISCLOSURE DOCUMENT

AUGUST 30, 1979

Marian E. Gillett

DO I NEED TO COPYRIGHT A NAME? IN ORDER OF PREFERENCE,
COUNTER-KEEPERS
KITCHEN-KEEPERS
KOUNTER-KEEPERS
CUT-UPS

\$350.00 enclosed
ch 8/31/9

Exhibit 2

DISPOSABLE FLEXIBLE CUTTING BOARD

ABSTRACT OF THE DISCLOSURE

A cutting board for cutting of vegetables and the like by a chef or cook is formed of a thin flexible sheet of durable plastic material that has sufficient durability to permit the cutting of materials thereon with a sharp cutting knife without being cut and is sufficiently flexible to permit the board to be rolled in a funnel like configuration for funnelling food particles into a bowl or the like.

DISPOSABLE FLEXIBLE CUTTING BOARD

BACKGROUND OF THE INVENTION

The present invention relates to kitchen utensils and pertains particularly to a novel cutting board.

The typical cook or chef uses a cutting board extensively during the preparation of many meals. The cutting board is typically utilized for the cutting and chopping of vegetables, meats and the like into small pieces for incorporating into various dishes. The typical cutting board is a heavy block of wood which may be either built into the counter of a kitchen or may be portable and moveable to and from the counter and supported thereon. Such cutting boards are typically a thick, heavy block of wood on the order of approximately 2 or more inches in thickness and from 1 to 2 feet in width and length. Such boards are heavy and difficult for a typical housewife to handle and take up space when stored in kitchen cabinets and the like.

Another disadvantage of such boards is that it is difficult to rake cuttings from the board into small bowls and dishes without spilling the cuttings.

It is therefore desirable that some apparatus be available which permits easy and convenient cutting and chopping of vegetables and the like.

SUMMARY AND OBJECTS OF THE INVENTION

It is therefore the primary object of the present invention to overcome the above problems of the prior art.

Another object of the present invention is to provide an improved cutting board which is convenient and easy to use and is disposable.

Another object of the present invention is to provide a cutting board that is durable and flexible permitting the quick and easy funnelling of chopped material from the board into a bowl or other container.

5 In accordance with the primary aspect of the present invention a cutting is constructed of a thin flat sheet of durable plastic material which is highly resistant to cutting and is sufficiently flexible to be folded to a funnel configuration.

BRIEF DESCRIPTION OF THE DRAWINGS

10 The above and other objects and advantages of the present invention will become apparent from the following description when read in conjunction with the drawings wherein:

Figure 1 is a perspective view of a cutting board in accordance with the invention.

15 Figure 2 is a top plan view of the board of Figure 1.

Figure 3 is a sectional view taken on line 3-3 of Figure 2.

Figure 4 is a perspective view showing the board of Figure 1 rolled into a funnel position.

Figure 5 is a top plan view of an alternate embodiment.

20 Turning to the drawings, particularly Figure 1, there is shown a cutting board generally designated by the numeral 10 constructed in accordance with the present invention. This cutting board comprises a thin flat sheet 12 of flexible durable plastic material which is highly flexible and durable. The sheet of material is preferably about 9 mil in thickness and preferably of a non-toxic plastic material that is safe for contact with food and may be placed in a dishwasher for cleaning. The sheet of material is also preferably sufficiently flexible to permit the sheet to be curled as in Figure 4 for funnelling chopped material such as fruits, vegetables and meats into a bowl or
25 other container.

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